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Attorney Docket No.: 200315149-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Henry Harlyn BAKER **Confirmation No.:** 6548
Serial No.: 10/690,378 **Examiner:** Sujoy K. KUNDU
Filed: October 20, 2003 **Group Art Unit:** 2863
Title: METHOD AND SYSTEM FOR CALIBRATION OF OPTICS FOR AN
IMAGING DEVICE

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF - PATENTS

Sir:

The Appellants respectfully submit this Reply Brief in response to the Examiner's Answer mailed on September 7, 2010, and thus, this Reply Brief is timely filed within two months of the Examiner's Answer.

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(1) Status of Claims

Claims 1-53 are pending, of which claims 8-31 and 49-53 were non-elected and withdrawn from consideration.

Claims 1-14, 16-17, 32-35, and 47-48 stand rejected.

Claims 15 and 46 are objected to.

Claims 1-14, 16-17, 32-35, and 47-48 are appealed.

(2) Grounds of Rejection to be Reviewed on Appeal

A. Whether claims 1-14, 16-17, 32-35, and 47-48 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4, 307, 377 to Pferd et al. (hereinafter “Pferd”) in view of U.S. Patent No. 4,896,082 to Geiger (hereinafter “Geiger”).

(3) Arguments

A. The rejection of claims 1-14, 16-17, 32-35, and 47-48 under 35 U.S.C. §103(a) as being unpatentable over Pferd in view of Geiger should be reversed.

Claims 1-14, 16-17, 32-35, and 47-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pferd in view of Geiger. This rejection should be reversed for at least the same reasons as set forth in the Appeal Brief filed June 7, 2010.

In addition, in the “Response to Argument” section of the Examiner’s Answer, the Examiner maintains the assertion that Geiger teaches the feature “wherein the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively” recited in claims 1, 32, and 48, wherein the index strips 22 and 32 in Fig. 3 of Geiger are the “emitting elements” and the photosensitive elements 4 and 5 in Fig. 3 of Geiger are the “sensing elements” recited in the claims (See *Examiner’s Answer*, pages 8 and 9). However, those assertions are respectfully traversed for the same reasons as set forth in the Appeal Brief (See *Appeal Brief*, pages 9-11). Please see details in the Appeal Brief, pages 9-11, as to why the index strips 22 and 32 of Geiger are not the same as the “emitting elements” recited in claims 1, 32, and 48, and why the photosensitive elements 4 and 5 in Geiger are not the same as the “sensing elements” recited in the claims.

In the “Response to Argument” section of the Examiner’s Answer, the Examiner maintains the assertion that Pferd discloses the feature “a comparison of the received images of the calibration model with each other” recited in claims 1, 32, and 48 because “the thresholding [11 in Pferd] is a comparison between the received images” (See *Examiner’s Answer*, page 10).

However, that assertion is respectfully traversed. As discussed in the Appeal Brief, Pferd discloses that the “thresholding” 11 converts gray level information into binary (black and white) signals by comparing the gray level information from the scanner with a “chosen threshold” (See *Pferd*, col. 4, lines 15-20 and *Appeal Brief*, page 13). As such, Pferd discloses a comparison of the scanned images with a threshold. Thus, the threshold in Pferd is not the scanned images. In other words, the thresholding 11 in Pferd compares the scanned images with a threshold, and does not compare the scanned images with other scanned images. Therefore, Pferd fails to teach or suggest “a comparison of the received images of the calibration model with each other,” as recited in claims 1, 32, and 48 (emphasis added).

For at least the foregoing reasons, the Examiner has failed to establish that claims 1-14, 16-17, 32-35, and 47-48 are *prima facie* obvious in view of the combined disclosures contained in Pferd in view of Geiger. It is therefore respectfully requested that the rejection of claims 1-14, 16-17, 32-35, and 47-48 be reversed, and these claims be allowed.

(4) Conclusion

For at least the reasons given above, the rejection of claims 1-14, 16-17, 32-35, and 47-48 should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: November 8, 2010

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